



IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

APRIL 2008

Legislature Adjourns With Historic Action on Court of Appeals

Twenty-five years ago the Idaho Legislature took historic action to create the Idaho Court of Appeals. That action was based largely on the need to ease caseload pressure on the Idaho Supreme Court.

The 2008 Idaho Legislature revisited that quarter century old discussion this winter and again took historic action to position the Idaho Court of Appeals for the next decade and beyond.

The Legislature, which adjourned on April 2, took action to implement a number of recommendations of the Blue Ribbon Task Force on the Court of Appeals – including adding a fourth judge to the Court – to address the Court's 250% increase in caseload. The Task Force was chaired by University of Idaho Law School Dean Don Burnett one of the original members of the Court of Appeals.

"It truly was historic action by the Idaho Legislature in the sense that a fourth judge was added to the Court of Appeals," said Chief Justice Daniel Eismann. "The work of the Task Force marks the first time since the Court of Appeals was created in 1982 that a thorough review of the Court's make up and operations has been undertaken."

Chief Justice Eismann said the Court of Appeals has done an extraordinary job for 25 years and the Legislature's action is "an historic opportunity to position the Court for the next 25 years."

The fourth judge for the Court of Appeals will be officially added January 1, 2009 and it is expected that the Idaho Judicial Council will begin recruitment for the position this summer.

Among other highlights of the 2008 Legislature:

- ⚖ The Legislature approved (in Senate Bill 1271) a plan to relocate the state law library to a new location in Boise. Space has been secured in the KeyBank Building at 702 W. Idaho, a short distance from the Supreme Court building.
- ⚖ Approval was granted to undertake the remodeling of the current law library location on the main floor of the Supreme Court building, which will accommodate new chambers for the Court of Appeals. The Court of Appeals is expected to move into that space by January 2009.

- ⚖ Senate Bill 1272, another recommendation from the Court, removes obsolete language regarding the salaries for court reporters and also removes a provision requiring a court reporter to take an oath that the reporter has prepared transcripts in the order in which the request for such transcripts have been served.
- ⚖ Along with other state employees, judges received a 3% cost of living increase.
- ⚖ The Legislature approved just over \$175,000 to further the planning of the Idaho Law Learning Center in Boise. The funding will move the planning and design of the facility forward with a target to develop further design recommendations in the Fiscal Year 2010 request.
- ⚖ In the area of cost effective sentencing alternatives, the Legislature agreed to allocate 90% of the additional expansion in community based treatment and supervision for felony, juvenile and misdemeanor substance abuse offenders as requested by the Interagency Committee on Substance Abuse. By this action, the Legislature also expanded DUI/misdemeanor drug courts by 150 offenders.
- ⚖ The Court was authorized to proceed with the development of a Human Resource Office.
- ⚖ An allocation of \$420,000 from the Millennium Fund was approved to provide intervention services for youth courts and status offenders involved with alcohol and tobacco offenses.
- ⚖ A budget was approved to allow the Idaho State Police to add an officer dedicated to security at the Idaho Supreme Court building.
- ⚖ And the Supreme Court worked closely with the Idaho Association of Counties, the Department of Correction, and the Post Academy Council to provide for county misdemeanor probation services. The new county effort was authorized by House Bill 408aa.

Rep. Jim Clark, Chair of the House Judiciary and Rules Committee, proposed legislation to establish a judge's retirement stabilization fund. While the legislation was narrowly defeated in the House, it may be considered again next year.



Innovative Pilot Program Makes Progress

Since its launch early this year, an innovative eastern Idaho pilot program designed to address drug offenders who are also attempting to cope with mental health issues has made rapid and impressive progress.

Seventh District Judge Jon Shindurling said the program, specially designed for dual-diagnosed offenders (individuals with both addiction and mental health issues) has enrolled more than 20 people since the first of the year. Judge Shindurling says the pilot program has been undertaken with the belief that it can eventually be replicated in some of the state's more populous counties such as Canyon, Ada or Kootenai.

The Judge credits Rigby Rep. JoAn Wood with the original concept for the program and said she has been a strong legislative advocate for the effort.

"She was very concerned that we attempt to address means to keep people who are drug addicted and also dealing with mental health issues from going to prison if, in fact, they display the potential to be productive citizens," the Judge said.

The program has developed an integrated jail-to-community program that Judge Shindurling says "gives a little more flexibility and more options" for dual-diagnosed offenders. "We are taking people who are in jail, providing them with treatment there, then making the transition to community based housing and eventually to less supervision, all the while keeping them under treatment."

The program eventually expects to accommodate 40 offenders and is designed to develop for three years while refinements are made in its implementation to prepare for replication in other locations in Idaho.

Judiciary's Annual Report Released

The 2007 Annual Report of the Idaho Supreme Court has been released and is available online. The report contains a roundup of highlights from each of the state's judicial districts, and details accomplishments of Idaho Drug Courts, Coordinated Family Court Services, and Mental Health Courts. Chief Justice Daniel Eismann also offers his perspective of the Court's activities and accomplishments in 2007.

The 2007 Annual Report appendix is also posted on the website.

Go to: http://www.isc.idaho.gov/annual_cov.htm



National Center Appoints Director

The National Center for DWI Courts (NCDC) has announced the appointment of David J. Wallace as the Center's first director. Prior to joining NCDC, Mr. Wallace served as the Traffic Safety Resource Prosecutor (TSRP) for the Prosecuting Attorneys Association of Michigan (PAAM), where he instructed prosecutors and law enforcement officers in Michigan on a variety of traffic safety topics, focusing on DWI and vehicular homicide cases. Read more at: http://www.nadcp.org/press_releases

BJA Accepts Applications

The Bureau of Justice Assistance (BJA), U.S. Department of Justice, has released its solicitation for fiscal year 2008 applications for Justice and Mental Health Collaboration Program grants. The program was authorized by the Mentally Ill Offender Treatment and Crime Reduction

Act of 2004 (MIOTCRA) and promotes coordination among criminal justice, juvenile justice, mental health, and substance abuse agencies.

The deadline for applications is May 6, 2008 at 8:00 p.m. (EDT).

Visit the BJA website (<http://www.ojp.usdoj.gov/BJA/>) for more information.

The Council of State Governments Justice Center, coordinator of the Criminal Justice / Mental Health Consensus Project, provides technical assistance on behalf of BJA for the *Justice and Mental Health Collaboration Program*. The Consensus Project website features information on the program and *MIOTCRA*, including snapshots of the 2006 and 2007 grantees, *frequently asked questions*, and a *toolkit* of resources that can be used to inform 2008 applications.





Judge Bail: 25 Years of Change

Fourth District Judge Deborah Bail says her 25 years as a judge in Idaho have been marked by a vast increase in caseloads and a constant need to change and adapt to new issues and circumstances. "You can't do this job for a long time without changing and constantly tweaking to make things better," she said recently while reflecting on her tenure which makes her the second longest serving judge in Idaho.

Then Governor John V. Evans appointed Judge Bail as the state's first woman District Judge in 1983.

"I do think its interesting work, fun and interesting and the issues do change and you have a real chance to deal with issues at the heart of your community. It has been gratifying to have the chance to make a positive impact on people's lives," Judge Bail said.

The Judge said her nearly quarter century of service has also given her a great chance to learn and become involved in big and complex issues, including the long running and controversial legal dispute over funding for public schools in Idaho.

Judge Bail said she can remember a number of years ago that her clerk remarked that she had "good news and bad news." The good news was that a case scheduled for trial the following week had settled; the bad new was

that she had been assigned the school funding case. The case has caused the judge to become steeped in the complicated details and history of school funding in Idaho.



"One of the things you do all the time is tweak what you do," Judge Bail said. Over the last couple of years she has experimented with what she calls "bridge courts" for individuals who, for a variety of reasons, are not able to enter a drug court.

"I try to set specific goals for people and be more involved in their individual progress. We set goals, bring them back regularly and try hard to get them on the right path.

I've had people come back and ask me to perform their wedding and then return to have me meet their children," she said.

The Judge said she has become increasingly concerned about what she termed "throw away people" – individuals often with serious mental health problems who with the right treatment and supervision can be very productive citizens. She said she is hopeful that new requirements for mental health evaluations (I.C. 19-2524) will begin to make constructive change.

Judge Bail said she was drawn to judicial service 25 years ago "in large part by the desire to be useful, to be of service to the community and be a part of the place I live and care about." That feeling of service has sustained her even when she knew some of her actions were not popular.

"I remember that shortly after I became a judge I saw Judge [Ray] McNichols (the late federal judge) and he asked how I was doing. I said I had made about half of the people mad at me. He said, 'Keep at it and you'll do better' with even more being unhappy."

Judge Bail has been involved with a wide variety of community activities, including establishing Emergency Housing Services, Inc., a shelter for battered and homeless women and children, and giving numerous seminars for lay people on legal issues. She also serves on church and civic boards.



Candidates Apply for 6th District Vacancy

The Idaho Judicial Council has started the process to fill the vacancy created by the retirement of the 6th District Judge Don L. Harding of Soda Springs.

The Judicial Council accepted applications for the position, with chambers in Caribou County, through April 7. The applicants include five attorneys and a Magistrate Judge. Interviews will be scheduled in June 2008.

⚖	James Aldrich	Soda Springs
⚖	Mitchell W. Brown	Pocatello
⚖	E. W. "Skip" Carter	Pocatello
⚖	Bruce Larson	Pocatello
⚖	Craig W. Parrish	Pocatello
⚖	Ralph L. Savage, Magistrate Judge	Arco

Interviews will be scheduled in June 2008.

Power County Position Draws Candidates

Three candidates applied for the Power County Magistrate Judge position. The position became available following the retirement of Judge Mark Beebe. Interviews are schedule for May 2, 2008.

The candidates are:

⚖	David Raymond Kress
⚖	Paul Stratton Laggis
⚖	Jay Q. Sturgell

Ada County Magistrate Judge Candidates Announced

The Magistrates Commission of the Fourth Judicial District has announced the names of applicants for the Ada County Magistrate Judge position. The individual appointed will fill the vacancy created by Judge Timothy Hansen's appointment as a District Judge.

The candidates are:

⚖	Christian Collins	Boise
⚖	Ann Cosho	Boise
⚖	Larry Dunn	Boise
⚖	Maurice Ellsworth	Boise
⚖	Jesse James	Eagle
⚖	Ty Ketlinski	Meridian
⚖	Charles King	Meridian
⚖	Michael Lojek	Boise
⚖	Robert Luce	Boise
⚖	John Meienhofer	Boise
⚖	George Patterson	Boise
⚖	Craig Steveley	Boise



Healthy employees are one of the keys to a productive and cost effective workplace. In support of that effort, the Division of Professional-Technical Education is announcing Health Matters,

the new statewide Idaho State Employee Wellness resource.

Please take time to visit Health Matters at: www.healthmatters.idaho.gov



Children and Families in the Court Institute Scheduled

A multi-disciplinary training institute is scheduled for May 19-20, 2008 and will feature a special focus on child protection, domestic violence and domestic relations cases. The Institute is sponsored by the Idaho Supreme Court, and funded in large measure by a first time Federal Child Protection grant.

The Institute will offer training which will appeal to a wide variety of professionals, including judges, prosecutors, public defenders, attorneys dealing with children's issues, Health and Welfare workers and administrators, CASA workers, Family Court Service staff, parenting coordinators, child custody mediators, domestic assault and battery evaluators, juvenile court staff and mental health professionals.

A number of nationally recognized experts will make presentations, including:

- ⚖️ Joan Kelly, Ph.D., a clinical psychologist, researcher, teacher and consultant and an expert on children's adjustment to divorce, custody and access issues and divorce mediation. She has also done work regarding the application of child development research to custody and access decision-making and parenting coordination.
- ⚖️ The Honorable James Payne, former CP and Juvenile Judge and now the Director of the Indiana Department of Child Services and President-elect of the National Council of Juvenile and Family Court Judges.
- ⚖️ Sharon McCully a Judge with the 3rd District Juvenile Court in the State of Utah.

Magistrate Judges Institute

The Magistrate Judges Institute (May 21-23, 2008) will include criminal, civil and family law updates, the annual evidence review by Boise attorney Merlyn Clark and Professor Craig Lewis, a special workshop on search and seizure, and a communication skills workshop.

Magistrate Judges are encouraged to submit suggested topics for an "emerging issues" roundtable discussion. Suggestions and

ideas should be sent to Senior Judge Lowell Castleton at lcastleton@idcourts.net, or by telephone at (208) 947-7417.

Bellwood Memorial Lecture Delivered

The Dean of the Pepperdine University Law School, Kenneth W. Starr, delivered the annual Sherman J. Bellwood Memorial Lecture in Moscow on April 21, 2008. His lecture was entitled: *"The Enduring Constitutional Conversation: Mr. Hamilton and Mr. Jefferson."*

Dean Starr has served as Counselor to U.S. Attorney General William French Smith, Judge for the U.S. Court of Appeals, D.C. Circuit, Solicitor General of the United States, and Independent Counsel on the Whitewater matter. As Solicitor General, he argued twenty-five cases before the U.S. Supreme Court.

For more information on the Bellwood Lecture, visit: www.law.uidaho.edu

2008 Training Set for Interpreters

The 2008 schedule for court interpreter training and testing and registration forms are now available at: www.isc.idaho.gov/intpret_cov.htm.

The workshops are sponsored by the Idaho Supreme Court, the United States District Court for the District of Idaho, and the Ada County District Court.

The Administrative Office of the Courts, through its membership in the Consortium for State Court Interpreter Certification, has access to certification exams for the following languages: Arabic, Korean, Russian, Cantonese, Laotian, Somali, Haitian-Creole, Mandarin, Spanish, Hmong, Portuguese, and Vietnamese.

All court interpreters and those interested in court interpretation are strongly encouraged to pursue certification by attending the orientation workshop, taking the written screening exam, and completing the certification exam. If an individual speaks a language for which there currently is no certification exam, it is strongly recommended that the individual attend the orientation workshop and take the written screening exam.

For more information contact Janica Bisharat at (208) 947-7417 or jbisharat@idcourts.net.





Court Assistance Services Evaluated

John Greacen, a nationally recognized expert in court administration and evaluating programs for self-represented litigants, has been retained to conduct a statewide evaluation of court assistance services. The evaluation will coincide with the tenth anniversary of the Idaho Court Assistance Office Project in Idaho.

Several counties with varying populations and levels of service will be selected to participate in the evaluation which will involve distribution of survey instruments to the public at court assistance offices, civil court clerk counters, and in courtrooms following proceedings where self-represented litigants are involved. Judges will also be asked to complete a survey on their views and experience with self-represented litigants and with court assistance services.

Focus groups and personal visits with judges, administrators and court staff by Mr. Greacen are also planned for several sites. The survey will be conducted over a thirty day period. The planning process and development of training instructions and survey instruments is underway, with the actual survey to begin this summer.

The evaluation will be valuable in assessing the current level and models for court assistance services and will aid in developing a plan

to meet future needs throughout Idaho. The cooperation and support of judges and court staff is critical to the success of this evaluation and will be greatly appreciated.

Greacen Featured at Magistrate Judges Institute

John Greacen will address the Magistrate Judges Institute on May 21, 2008. His presentation will focus on national trends regarding how courts are dealing with self-represented litigants and related issues. Mr. Greacen is widely recognized as the expert on defining what is considered legal information and what is legal advice in establishing guidelines for court clerks providing help to self-represented litigants.

Training for Court Assistance Officers

Annual training for court assistance officers and deputy court clerks who also provide court assistance services took place on April 21, 2008, at the Idaho Institute of Court Management.

Part of the day included a presentation by Judge Michael Redman on child support calculations and an overview of services provided by Child Support Enforcement by Kristy White of the Department of Health and Welfare.

New Orders & Rule Changes

For Current New Orders or Rule Changes, go to: <http://www.isc.idaho.gov/rulesamd.htm>



In Re: Amendment of I.R.C.P. 26, 30, 35, 45, 57, 60 - April 4, 2008, effective July 1, 2008

In Re: Amendment of I.R.C.P. 6(c)(6) - Idaho Child Support Guidelines - Sections 3, 6, 8, 10, 11 - April 4, 2008, effective July 1, 2008

In Re: Amendment of I.A.R. 17, 27, 31 - April 4, effective July 1, 2008

In Re: Amendment of I.C.R. 11(f)(2), 32, 33(d)(2) and 33.3 - April 4, 2008, effective July 1, 2008

In Re: Amendment of I.R.E. 101, 804 - April 4, 2008, effective July 1, 2008



CPA Case Monitoring/Clean Up Reports

ISTARS contains some reports which were designed to assist the Child Protection Clerks in monitoring the necessary, but perhaps missing data, in those case types for the Child Protection Module.

To find these reports please go to the "Reports" screen, then to the menu for "Case Related" reports, then to "Child Protection" reports. There will be 3 reports listed:

Children In Care (Informational Report)

The Children in Care report lists, by date, children on Child Protection cases who are considered to be in care. The report also displays the case number, the child action category, the date on which the child entered care, and the number of days the child has been in care. This report is available from the Case Related report menu item.

Non-Compliance Report (Case Monitoring/Clean Up Report)

The Non-Compliance Report lists Child Protection cases (and children) where Child Protection compliance rules have not been followed. Selection by judge is available, as well as by action item. The report is grouped by judge and sorted by case number or child name. A time frame may be selected. The option to report all cases or open cases only is also provided. This report is available from the Case Related report menu item.

Warning Report (Case Monitoring/Clean Up Report)

The Warning Report lists Child Protection cases (and children) where a future action is either not scheduled or is scheduled out of the Child Protection time standards. Selection by judge is available, and the report is grouped by judge and sorted by case number or child name. A time frame (defaults to 30 days out) may also be selected. Either enter a date or the number of days in the future. This report is available from the Case Related report menu item.

Please take a look at these reports and verify the information needs in your system as frequently as you can. They will help you "keep on top" of this case load.

If you need further assistance, contact Julie Cottrell: jcottrell@idcourts.net or (208) 334-3868.

JUDICIAL/ADMINISTRATIVE NEWS is published by the **Idaho Supreme Court.**

Chief Justice Daniel T. Eismann
Justice Roger S. Burdick
Justice Jim Jones
Justice Warren E. Jones
Justice Joel Horton

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

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Thanks!



Note: For the most up-to-date Judicial Calendar, check the Judiciary's homepage at
<http://www.isc.idaho.gov/calendar.htm>

